GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Health Medical & Family Welfare Department - Allegation of corruption against Sri.Md.Ashraf Basha, formerly Junior Assistant, O/o DM & HO, Kadapa District and presently working at O/o. Assistant Transport Officer, Regional Workshop, Kadapa, Y.S.R. District – convicted by the Hon'ble Trial Court – dismissed from service- Appeal filed by the Accused Officer – Appeal Allowed – SLP filed - Reinstatement into service pending out come of SLP – Orders – Issued- SLP Dismissed on 07-07-2015- Further action dropped duly regularizing the suspension period from 03.06.2000 to 17-09-2003 and from 09.11.2006 to 14.06.2015 as 'Not on Duty' under FR.54(B)(7)- - Orders - Issued.

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2018, dt;03-07-2020.

21. from the Assistant Registrar,Hon'ble APHC, orders dated;18-11-2020, in W.P.No.21427 of 2020.

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ORDER:

Whereas, it has come to the notice of Government, Sri.Md.Ashraf Basha, formerly Junior Asst., O/o DM & HO, Kadapa District was trapped by the ACB officials on 3-6-2000 when he demanded and accepted an amount of Rs.650/- as bribe from the complainant. The DG, ACB in his final report dt.13-11-2000, has recommended for issue of prosecution orders against the A.O. Government after examination of the recommendations, have issued orders to prosecute the A.O. in a court of law vide G.O.4th read above and also orders were issued to reinstatement him into service pending finalization of the prosecution case against AO, vide G.O.5th read above.

(P.T.O)

2. In the reference 6th read above, the Special Judge for SPE & ACB Cases, Nellore in its judgment dated;23-8-2006 in C.C.No.6/2001 convicting the A.O. i.e. Sri.Md.Ashraf Basha, formerly Junior Asst., O/o DM & HO, Kadapa District, besides sentencing him to under go R.I for one year and to pay a fine of Rs.500/- for offence u/s 7 of Prevention of Corruption Act, 1988 and also sentenced to undergo R.I for one year and to pay a fine of Rs.500/- for the offence u/s 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988.

3. Government, after examination of the Judgment dt.23.8.2006 of the Trial Court, have issued orders dismissing the Accused Officer i.e. Sri.Md.Ashraf Basha, formerly Junior Asst., O/o DM & HO, Kadapa District from the Government service vide G.O.7th read above.

4. Aggrieved by the Judgment dated:23.8.2006 of the Trial Court, Sri.Md.Ashraf Basha, formerly Junior Asst., O/o DM & HO, Kadapa District has filed Criminal Appeal No.1218/2006 before the High Court of AP. The Hon'ble High Court in its order dated; 26-6-2013 has allowed the Criminal Appeal and set aside the conviction orders of the trial court in C.C.No. 6/2001.

5. Government, after examining the matter have addressed a letter to the Special Officer, O/o the Advocate on Records, AP Bhavan, New Delhi with a request to file SLP before the Hon'ble Supreme Court of India, against the judgment dt.26.6.2013 of the High Court of AP in Criminal Appeal No.1218/2006 along with a condone delay petition vide Govt. letter 11th read above.

6. In the G.O.14th read above, orders were issued to reinstate Sri.Md.Ashraf Basha, as Junior Assistant and to post him in a non focal post in Kadapa district pending out come of SLP pending before the Hon'ble

Supreme Court of India and to treat the absence period on receipt of the orders in the SLP pending before the Supreme Court of India filed by the Government.

7. In the letter 17th read above, the DG, ACB, AP, has stated that the SLP filed by the Bureau challenging the acquittal of the AO i.e., Sri.Md.Ashraf Basha, Junior Assistant by the Hon'ble High Court of AP, Hyderabad was dismissed on the ground of delay but not on merits and the request of AO to treat the absence period from 03.6.2000 to 14.6.2015 as on duty with all pay, allowances and other benefits need not be considered.

8. In the letter 20th read above, the DPH&FW, AP, has furnished the details of the suspension period and also absence period in respect of Sri. Md.Ashraf Basha, Junior Assistant, Office of the Assistant Transport Officer, Regional Work Shop, Kadapa, to regularize the suspension and absence period of the individual.

9. Sri.Md.Ashraf Basha, formerly Junior Asst., O/o DM & HO, Kadapa District and presently working at O/o. Assistant Transport Officer, Regional Workshop, Kadapa, Y.S.R. District has filed W.P.No.21427 of 2020 in the Hon'ble APHC and the Hon'ble APHC in its orders dated;18-11-2020, in W.P.No.21427 of 2020 have issued orders as follows;

> "(….)*In the above circumstances, this writ petition is disposed of directing the respondents to consider regularization of the period of suspension of the petitioner from 03.06.2000 to 14.06.2015 attending upon the letter in Rc.No.39162/E3.D/2018-2020, dated 03.07.2020 of the 2nd respondent addressed to the Special Chief Secretary to the*
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> *(contd..p.3)*
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> *Government, Health and Medical and Family Welfare Department, Government of Andhra Pradesh, Amaravathi, within four weeks from the date of receipt of a copy of this order and dispose of the same in accordance with law and applicable rules. No costs.*
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> *All pending miscellaneous petitions if any, shall stand closed.*

10. After careful examination of the matter and keeping in view of the orders dated;18-11-2020, in W.P.No.21427 of 2020 of the Hon'ble AP High Court Government have decided to drop further action against Sri.Mohd. Asharaf Basha, formerly Junior Asst., O/o DM & HO, Kadapa District and presently working at O/o. Assistant Transport Officer, Regional Workshop,

Kadapa, Y.S.R. District in the Trap Case registered in CR.No.4/RCT-TCD/2000 by the DSP, ACB Range, Tirupati duly regularizing his suspension period from 03.06.2000 to 17-09-2003 and from 09.11.2006 to 14.06.2015 as 'Not on Duty' under FR.54(B)(7), since, SLP(CRL) Crl.MP.No.9710/2015 was dismissed on the ground of delay but not on merits.

11. Accordingly, Government have decided to drop further action against Sri.Mohd.Asharaf Basha, formerly Junior Assistant, O/o DM&HO,Kadapa District and presently working at O/o. Assistant Transport Officer, Regional Workshop, Kadapa,Y.S.R.District in the Trap Case registered in CR.No.4/ RCT-TCD/2000 by the DSP, ACB Range, Tirupati duly regularizing his suspension period from 03.06.2000 to 17-09-2003 and from 09.11.2006 to 14.06.2015 as 'Not on Duty' under FR.54(B)(7), since, SLP(CRL) Crl.MP. No.9710/2015 was dismissed on the ground of delay but not on merits.

12. The Director of Public Health & Family Welfare, AP, Vijayawada shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUDDADA RAVI CHANDRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri.Mohd. Asharaf Basha, formerly Junior Asst., O/o DM & HO, Kadapa District and presently working at O/o. Assistant Transport Officer, Regional Workshop, Kadapa, Y.S.R. District through the Director of Public Health & Family Welfare, AP, Vijayawada.
The Director of Public Health & Family Welfare, AP, Vijayawada.
Copy to:
The APVC.
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, 2nd Floor, Krishnalanka, AP, Vijayawada -520001.
The OSD to Deputy CM (HFW&ME).
The PS to Principal Secretary to Govt. HM&FW Department.
The File.

//FORWARDED :: BY ORDER//

SECTION OFFICER